

30, 2021.³ In the Commission’s October 2020 *Second Caller ID Authentication Report and Order*, small voice service providers received an extension until June 30, 2023 to implement STIR/SHAKEN.⁴ The Commission found that small voice service providers face high implementation costs relative to the small percentage of total voice subscribers they serve and confront unique equipment availability issues, and concluded that these factors warrant a blanket extension of two years.⁵

4. In December 2021, the Commission adopted the *Fourth Caller ID Authentication Report and Order*, shortening the extension provided to non-facilities-based small voice service providers to June 30, 2022.⁶ The Commission reassessed its deadline for these providers in light of new evidence and “overwhelming record support” indicating that a disproportionately high and increasing share of illegal robocalls originated from non-facilities-based small voice service providers.⁷ The Commission concluded that a one-year curtailment provided a “reasonable period of time,” consistent with section 4(b)(5)(A)(ii) of the TRACED Act, to implement STIR/SHAKEN given the comparatively low implementation burden faced by non-facilities-based providers versus the increased likelihood that they acted as the source of illegal robocalls.⁸

III. DISCUSSION

5. We deny Petitioners’ requests for a waiver of the June 30, 2022 STIR/SHAKEN implementation deadline applicable to non-facilities-based small providers.⁹ Petitioners state that they need additional time to address difficulties with upgrading both software and hardware necessary to implement STIR/SHAKEN.¹⁰ In so doing, they acknowledge that non-facilities-based small voice service providers present a higher risk of originating illegal robocalls, but claim that the Commission should nevertheless grant their 14-day or 30-day waiver requests because they filed robocall mitigation plans in

³ *Call Authentication Trust Anchor, Implementation of TRACED Act Section 6(a)—Knowledge of Customers by Entities with Access to Numbering Resources*, WC Docket Nos. 17-97 and 20-67, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3241, 3252, para. 24 (2020) (*First Caller ID Authentication Report and Order and Further Notice*).

⁴ *Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859, 1876-77, paras. 39-40 (2020) (*Second Caller ID Authentication Report and Order*). In the TRACED Act, Congress required the Commission to assess burdens and barriers to the implementation of STIR/SHAKEN and gave the Commission discretion to extend compliance with the implementation mandate upon a public finding of undue hardship. TRACED Act § 4(b)(5)(A).

⁵ *Id.* at 1877-81, paras. 40-45.

⁶ *Call Authentication Trust Anchor*, Fourth Report and Order, FCC 21-122, 2021 WL 5922842, at *4, para. 9 (2021) (*Fourth Caller ID Authentication Report and Order*).

⁷ *Id.* at *4, para. 9.

⁸ *Id.* at para. 17. The Commission noted that its data showed that non-facilities-based providers have been able to implement STIR/SHAKEN more quickly than other providers.

⁹ The Commission’s rules may be waived for “good cause shown.” 47 CFR § 1.3. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166. Waiver of the Commission’s rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *Northeast Cellular*, 897 F.2d at 1166. The Bureau, under delegated authority, may act on requests for waiver of rules. 47 CFR § 0.291(b).

¹⁰ WWT Petition at 2-3; Miron Petition at 2-3; Vumber Petition at 2-3; Avaya Petition at 2-3; Yardi Petition at 2-3; DigitalPath Petition at 2-3; KDDI Petition at 2; Hypercore Petition at 2-3; CDN Petition at 2-3.

the Robocall Mitigation Database that they claim are effective.¹¹ Petitioners argue that additional time would allow them to more thoroughly implement STIR/SHAKEN, which they claim would better serve the public interest than the subpar implementation that they state would result from strict enforcement of the June 30, 2022 deadline.¹²

6. We disagree with Petitioners that the reasons outlined above constitute good cause for granting their waivers. When the Commission provided a two-year extension for small voice service providers, it accounted for issues related to costs and resources needed to implement STIR/SHAKEN.¹³ In curtailing that extension to one year for non-facilities-based providers, the Commission acted on data showing that non-facilities-based small voice service providers could more easily implement STIR/SHAKEN than other providers.¹⁴ Petitioners have had two years to complete the work necessary to implement STIR/SHAKEN in their networks, and nothing in their petitions persuades us that was an insufficient amount of time for them to complete the tasks they state are still outstanding. Further, the fact that Petitioners have prepared robocall mitigation plans does not obviate the need for them to implement STIR/SHAKEN.¹⁵ Indeed, given the overwhelming record support that non-facilities-based providers are at a higher risk of originating illegal robocalls, timely deployment of STIR/SHAKEN by such providers is crucial, and any implementation delays would not serve the public interest. We therefore deny the Petitioners' requests for a waiver.

IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED THAT pursuant to the authority contained in sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, and 1.3, that the Petitions for Limited Waiver filed by WWT, Miron, Vumber, Avaya, Yardi, DigitalPath, KDDI, Hypercore, and CDN are DENIED. This Order shall be effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Trent B. Harkrader
Chief
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¹¹ WWT Petition at 3-4; Miron Petition at 4-5; Vumber Petition at 4-5; Avaya Petition at 4-5; Yardi Petition at 4; DigitalPath Petition at 4; KDDI Petition at 3-4; Hypercore Petition at 3-4; CDN Petition at 4-5.

¹² WWT Petition at 5; Miron Petition at 5-6; Vumber Petition at 5-6; Avaya Petition at 5; Yardi Petition at 5; DigitalPath Petition at 5; KDDI Petition at 4-5; Hypercore Petition at 4-5; CDN Petition at 5.

¹³ *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1877-78, paras. 41-43.

¹⁴ *Fourth Caller ID Authentication Report and Order* at *7, para. 17.

¹⁵ *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1898, para. 75 (stating that robocall mitigation is only an interim measure until implementation of STIR/SHAKEN); *Fourth Caller ID Authentication Report and Order* at *5, para. 13 (observing that gaps created by the failure of small voice service providers to implement STIR/SHAKEN has undermined its effectiveness).